

## **Decision Record**

### **Determination of NEPA Adequacy (DNA)**

**DOI-BLM-NV-W010-2012-0006-DNA**

#### **Expansion of Reserve Pits and Pump Testing for Well No. 44-28**

I have reviewed this Documentation of Land Use Plan Conformance and Determination of NEPA Adequacy (DNA) and have determined that the proposed action is in conformance with the approved land use plan (Sonoma-Gerlach Management Framework Plan, approved on July 9, 1982).

On the basis of the information contained in the DNA Worksheet (attached), it is my determination that implementation of the proposed action will not have environmental impacts beyond those already addressed in Environmental Assessment(s) [Humboldt House Geothermal Project Construction and Testing of Geothermal Well 44-28 Environmental Assessment (NV-020-02-02), Rye Patch "A" Geothermal Project Environmental Assessment (NV-020-02-37) and the Standard Mine Project Expansion Environmental Assessment (DOI-BLM-NV-W010-2010-0002-EA)].

Mitigation identified in the Decision Records associated with the EAs listed above and the applicable lease stipulations are consistent with and apply to the approval of this action. In addition, the following mitigation measures have been developed as described in Part A of the attached DNA worksheet:

#### **Wildlife Stipulation:**

Surface disturbing activities shall be restricted during the migratory bird nesting season to avoid potential violation of the Migratory Bird Treaty Act (MBTA). The peak nesting season for migratory birds runs from April 15 to July 15. Nesting season for burrowing owl (*Athene cunicularia hypugaea*) runs from March 1 through August 31. For surface disturbing activities occurring within these dates, migratory bird nesting surveys and/or burrowing owl surveys must be conducted by a qualified biologist no more than 10 days and no less than 3 days prior to initiation of disturbance (construction). Surveys must be conducted in consultation with the BLM biologist and should encompass the project area with a minimum buffer of 260 ft. If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established.

#### **Cultural Resources:**

Given slope, topography, and drainage channels the reserve pit shall be deepened and expanded to the greatest amount practicable before deepening of the test pit.

**Lands and Realty:**

All drilling activities shall remain outside of existing rights of way. Applicant shall contact right-of-way holder for location of underground utilities.

**Waste, Hazardous, or Solid Materials:**

All activities must be performed in conformance with the BLM Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (2007) commonly referred to as "The Gold Book". All activities must also be in compliance with required Federal, State and local regulations concerning Air & Water quality, solid waste disposal, and emergency response.

Therefore, it is my decision to allow for the implementation of the project as described in the attached DNA Worksheet.

Authorized Official: \_\_\_s\ Mike Truden\_\_\_\_\_  
Field Manager, Humboldt River Field Office

Date: \_\_\_3-9-12\_\_\_\_\_

**Administrative Review or Appeal Opportunities**

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Michael Truden, Field Manager, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return

receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

Attachments:

- DNA
- Maps
- Conditions of Approval